

APPEAL

**U.S. District Court [LIVE AREA]
Middle District of Georgia (Albany)
CRIMINAL DOCKET FOR CASE #: 1:07-cr-00018-WLS-TQL-1**

Case title: U.S.A. v. McCoy

Date Filed: 06/13/2007

Date Terminated: 08/12/2013

Assigned to: Judge W. Louis
Sands
Referred to: US Mag Judge
Thomas Q Langstaff

Defendant (1)

Frank Russell McCoy
TERMINATED: 08/12/2013

represented by **CYNTHIA W ROSEBERRY**
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Pending Counts

18:1462: IMPORT OR
TRANSPORT OBSCENE
MATTER
(1)

Disposition

18 months imprisonment, 2 years supervised release,
\$100.00 mandatory assessment fee

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Plaintiff

UNITED STATES OF AMERICA

represented by **SHEREASE ROSALYN PRATT**
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Date Filed	#	Page	Docket Text
06/13/2007	<u>1</u>		SEALED INDICTMENT as to Frank Russell McCoy (1) count(s) 1. (jbk,) (Entered: 06/15/2007)
06/13/2007	<u>2</u>		Indictment signature page (Un-redacted) re: <u>1</u> Indictment (Sealed): as to Frank Russell McCoy. (jbk,) (Additional attachment(s) added on 2/27/2013: # <u>1</u> GJ Concur) (wks). (Entered: 06/15/2007)
06/13/2007	<u>3</u>		Arrest Warrant Issued at the direction of Judge W. Louis Sands in case as to Frank Russell McCoy. (jbk,) (Entered: 06/15/2007)
01/09/2008			Arrest of Frank Russell McCoy in District of Minnesota. (jbk) (Entered: 01/22/2008)
01/10/2008	<u>4</u>		MOTION to Unseal Indictment by U.S.A. as to Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(wks) Modified on 8/1/2013 (bcl). (Entered: 01/10/2008)
01/10/2008	<u>5</u>		ORDER granting <u>4</u> Motion to Unseal Indictment as to Frank Russell McCoy (1). Ordered by Judge Richard L. Hodge on 1/10/08. (wks) Modified on 8/1/2013 (bcl). (Entered: 01/10/2008)
01/16/2008	<u>6</u>		Order appointing the Federal Defender, Inc. to represent Frank Russell McCoy. Ordered by U.S. Mag. Judge Richard L. Hodge on 1/16/08. (wks)

		(Entered: 01/16/2008)
01/22/2008	<u>7</u>	Rule 5(c)(3) Documents Received as to Frank Russell McCoy (jbk) (Entered: 01/22/2008)
01/23/2008	<u>8</u>	NOTICE OF ATTORNEY APPEARANCE: Stephen R. Glassroth appearing for Frank Russell McCoy (Glassroth, Stephen) (Entered: 01/23/2008)
01/23/2008	<u>9</u>	ORDER directing USMS to purchase defendant a one-way bus ticket to Anoka, MN and to reimburse defendant per diem as to Frank Russell McCoy. Ordered by U.S. Mag. Judge Richard L. Hodge on 1/23/08. (jbk) (Entered: 01/23/2008)
01/23/2008	<u>10</u>	Minute Entry for proceedings held before U.S. Mag. Judge Richard L. Hodge:ARRAIGNMENT held on 1/23/2008 as to Frank Russell McCoy (1) Count 1., BOND HEARING as to Frank Russell McCoy held on 1/23/2008, INITIAL APPEARANCE as to Frank Russell McCoy held on 1/23/2008 (Court Reporter:Tape Recorded.) (wks) (Entered: 01/23/2008)
01/23/2008	<u>11</u>	STANDARD PRETRIAL ORDER as to Frank Russell McCoy. Ordered by U.S. Mag. Judge Richard L. Hodge on 1/23/08. (wks) (Entered: 01/23/2008)
01/23/2008	<u>12</u>	PLEA SHEET as to Frank Russell McCoy (jbk) (Entered: 01/24/2008)
01/23/2008	<u>13</u>	NOTICE of Estimated Sentencing Guidelines as to Frank Russell McCoy Range of between 33 and 41 months. (jbk) (Entered: 01/24/2008)
01/23/2008	<u>14</u>	Appearance Bond Entered as to Frank Russell McCoy in amount of \$ 25,000 UNSECURED (jbk) (Entered: 01/24/2008)
01/23/2008	<u>15</u>	ORDER Setting Conditions of Release as to Frank Russell McCoy (1) \$25,000 UNSECURED. Ordered by U.S. Mag. Judge Richard L. Hodge on 1/23/08. (jbk) (Entered: 01/24/2008)
01/29/2008	<u>16</u>	SEALED MOTION by U.S.A. as to Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(jbk) (Entered: 01/30/2008)
01/29/2008	<u>17</u>	ORDER granting [16 Sealed Motion as to Frank Russell McCoy (1). Ordered by U.S. Mag. Judge Richard L. Hodge on 1/29/08. (jbk) (Entered: 01/30/2008)
01/29/2008	<u>18</u>	Sealed Document by U.S.A. as to Frank Russell McCoy (Attachments: # <u>1</u> Exhibit)(jbk) (Entered: 01/30/2008)
01/29/2008	<u>19</u>	Sealed Document by U.S.A. as to Frank Russell McCoy (jbk) (Entered: 01/30/2008)
01/30/2008	<u>20</u>	MOTION for Discovery by Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(Glassroth, Stephen) (Entered: 01/30/2008)
01/31/2008	<u>21</u>	Arrest Warrant as to Frank Russell McCoy executed on 01/09/08. (jbk) (Entered: 02/04/2008)
02/12/2008	<u>22</u>	MOTION for Extension of Time to File <i>Defendant's Unopposed Motion to Extend Deadlines</i> by Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(Glassroth, Stephen) (Entered: 02/12/2008)
04/15/2008	<u>23</u>	

		Search Warrant Returned Executed on 1/29/08 in case as to Frank Russell McCoy (wks) (Additional attachment(s) added on 2/5/2009: # <u>1</u> Attachment A & B to Search Warrant – Property Seized) (wks). Modified on 2/5/2009 (wks). (Entered: 04/15/2008)
04/30/2008		Motions No Longer Referred as to Frank Russell McCoy: <u>22</u> MOTION for Extension of Time to File <i>Defendant's Unopposed Motion to Extend Deadlines</i> (jbk) (Entered: 04/30/2008)
05/06/2008	<u>24</u>	MOTION to Continue Trial in the Interest of Justice by U.S.A. as to Frank Russell McCoy. (Crane, James) (Entered: 05/06/2008)
05/07/2008	<u>25</u>	ORDER granting <u>24</u> Motion to Continue Trial in the Interests of Justice as to Frank Russell McCoy (1). Ordered by Judge W. Louis Sands on 5/6/08. (bjl) (Entered: 05/07/2008)
05/09/2008	<u>26</u>	ORDER granting <u>22</u> Motion for Extension of Time to File as to Frank Russell McCoy (1); status conference set for 5/19/08 @ 10:30 a.m.. Ordered by Judge W. Louis Sands on 5/8/08. (jbk) (Entered: 05/09/2008)
05/19/2008	<u>28</u>	Minute Entry for proceedings held before Judge W. Louis Sands: STATUS CONFERENCE as to Frank Russell McCoy held on 5/19/2008 (Court Reporter Darlene Pino.) (jbk) (Entered: 06/19/2008)
05/28/2008	<u>27</u>	ORDER directing defendant to file any motions for protective order and/or requests for experts by 7/1/08; that proposed briefing schedule be submitted by 7/10/08, as to Frank Russell McCoy. Ordered by Judge W. Louis Sands on 5/28/08. (jbk) (Entered: 05/28/2008)
06/26/2008	<u>29</u>	MOTION for Extension of Time to File by Frank Russell McCoy. (Attachments: # <u>1</u> Text of Proposed Order). Motion(s) referred to Richard L. Hodge.(Leek, Catherine) (Entered: 06/26/2008)
07/16/2008	<u>30</u>	NOTICE OF ATTORNEY APPEARANCE: Catherine Michelle Leek appearing for Frank Russell McCoy <i>Substitution of Counsel</i> (Leek, Catherine) (Entered: 07/16/2008)
07/18/2008	<u>31</u>	ORDER granting <u>29</u> Motion for Extension of Time to File as to Frank Russell McCoy (1). Defendant to file Motions for Protective Order by 9/1/08; proposed briefing schedules to be submitted by 9/10/08. Ordered by Judge W. Louis Sands on 7/18/08. (jbk) (Entered: 07/18/2008)
08/22/2008	<u>32</u>	NOTICE OF ATTORNEY APPEARANCE: Morad Fakhimi appearing for Frank Russell McCoy <i>ADDITIONAL COUNSEL</i> (Fakhimi, Morad) (Entered: 08/22/2008)
08/22/2008	<u>33</u>	MOTION to Dismiss Indictment for Lack of Jurisdiction by Frank Russell McCoy. (Fakhimi, Morad) (Entered: 08/22/2008)
09/02/2008	<u>34</u>	MOTION to Dismiss Indictment on grounds of preclusion and estoppel by Frank Russell McCoy. (Attachments: # <u>1</u> Exhibit Exhibits A–E)(Fakhimi, Morad) (Entered: 09/02/2008)
09/10/2008	<u>35</u>	MEMORANDUM IN SUPPORT of Motion by Frank Russell McCoy re <u>33</u> MOTION to Dismiss Indictment for Lack of Jurisdiction <i>Addendum</i> (Fakhimi, Morad) (Entered: 09/10/2008)

09/10/2008	<u>36</u>	MOTION for Extension of Time to File <i>Proposed Briefing Schedule</i> by Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(Fakhimi, Morad) (Entered: 09/10/2008)
09/11/2008		Motions No Longer Referred as to Frank Russell McCoy: <u>36</u> MOTION for Extension of Time to File <i>Proposed Briefing Schedule</i> (jbk) (Entered: 09/11/2008)
09/11/2008	<u>37</u>	RESPONSE in Opposition by U.S.A. as to Frank Russell McCoy re <u>33</u> MOTION to Dismiss Indictment for Lack of Jurisdiction (Crane, James) (Entered: 09/11/2008)
09/12/2008	<u>38</u>	REPLY TO RESPONSE to Motion by Frank Russell McCoy re <u>33</u> MOTION to Dismiss Indictment for Lack of Jurisdiction <i>Defendant's Reply to the Government's Response to the Motion to Dismiss the Indictment for Improper Venue</i> (Fakhimi, Morad) (Entered: 09/12/2008)
09/12/2008	<u>39</u>	NOTICE OF ATTORNEY APPEARANCE by Damon King on behalf of USA (jbk) (Entered: 09/12/2008)
09/12/2008		Attorney update in case as to Frank Russell McCoy. Attorney Damon King for U.S.A. added. (nop) (Entered: 09/12/2008)
09/12/2008	<u>40</u>	Letter to AUSA Damon King regarding the requirement to file a petition to plead and practice pro hac vice and also the requirement to register for CM/ECF in the Middle District of Georgia (nop) (Entered: 09/12/2008)
09/12/2008	<u>41</u>	MOTION to Unseal Document <i>Transcripts of Grand Jury Proceedings</i> by Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(Fakhimi, Morad) (Entered: 09/12/2008)
09/19/2008	<u>42</u>	DEMAND for Disclosure of Witness in Support of Alibi Defense as to Frank Russell McCoy <i>and for Reciprocal Discovery, Notice of Expert Witness</i> (Crane, James) (Entered: 09/19/2008)
09/22/2008	<u>43</u>	RESPONSE in Opposition by U.S.A. as to Frank Russell McCoy re <u>34</u> MOTION to Dismiss Indictment on grounds of preclusion and estoppel (Crane, James) (Entered: 09/22/2008)
09/26/2008	<u>46</u>	REPLY TO RESPONSE to Motion by Frank Russell McCoy re <u>34</u> MOTION to Dismiss Indictment on grounds of preclusion and estoppel (Attachments: # <u>1</u> Exhibit B, # <u>2</u> Errata C, # <u>3</u> Exhibit D, # <u>4</u> Exhibit E, # <u>5</u> Exhibit F, # <u>6</u> Exhibit G, # <u>7</u> Errata H, # <u>8</u> Exhibit I, # <u>9</u> Exhibit J)(Fakhimi, Morad) (Entered: 09/26/2008)
09/29/2008	<u>47</u>	REPLY TO RESPONSE to Motion by Frank Russell McCoy re <u>34</u> MOTION to Dismiss Indictment on grounds of preclusion and estoppel <i>Corrected version of Doc. 46</i> (Fakhimi, Morad) (Entered: 09/29/2008)
09/29/2008	<u>48</u>	NOTICE of Manual Filing as to Frank Russell McCoy re: <u>47</u> Reply to Response. (Fakhimi, Morad) (Entered: 09/29/2008)
10/01/2008	<u>49</u>	EXHIBITS per Notice of Manual Filing – Doc. 48 as to Frank Russell McCoy re: <u>47</u> Corrected Reply to Response to Motion to Dismiss Indictment. (Attachments: # 1 Exhibit A – 1, # 2 Exhibit A – 2, # 3 Exhibit A – 3, # 4 Exhibit A – 4, # 5 Exhibit B, # 6 Exhibit C and D, # 7 Exhibit E – J)(jbk)

		ALL EXHIBITS DELETED FROM THIS DOCUMENT AND FILED UNDER SEAL PER ORDER OF THE COURT – Modified on 12/9/2008 (bjl). (Entered: 10/01/2008)
10/10/2008	<u>50</u>	MOTION to Dismiss Indictment for Government Misconduct Before Grand Jury by Frank Russell McCoy. (Attachments: # 1 Exhibit A)(Fakhimi, Morad) –EXHIBIT DELETED FROM THIS DOCUMENT AND FILED UNDER SEAL PER ORDER OF THE COURT –Modified on 12/9/2008 (bjl). (Entered: 10/10/2008)
11/03/2008	<u>51</u>	RESPONSE to Motion by U.S.A. as to Frank Russell McCoy re <u>34</u> MOTION to Dismiss Indictment on grounds of preclusion and estoppel (Crane, James) (Entered: 11/03/2008)
11/07/2008	<u>52</u>	MOTION to Seal Document <i>or in the Alternative for a Protective Order</i> by U.S.A. as to Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(Crane, James) (Entered: 11/07/2008)
11/07/2008	<u>53</u>	RESPONSE to Motion by Frank Russell McCoy re <u>52</u> MOTION to Seal Document <i>or in the Alternative for a Protective Order</i> (Fakhimi, Morad) (Entered: 11/07/2008)
11/07/2008	<u>54</u>	RESPONSE to Motion by U.S.A. as to Frank Russell McCoy re <u>41</u> MOTION to Unseal Document <i>Transcripts of Grand Jury Proceedings</i> (Crane, James) (Entered: 11/07/2008)
11/09/2008	<u>55</u>	REPLY TO RESPONSE to Motion by Frank Russell McCoy re <u>41</u> MOTION to Unseal Document <i>Transcripts of Grand Jury Proceedings Defendant's Reply to Government's Response to Defendant's Motion to Unseal</i> (Fakhimi, Morad) (Entered: 11/09/2008)
11/10/2008	<u>56</u>	REPLY TO RESPONSE to Motion by Frank Russell McCoy re <u>41</u> MOTION to Unseal Document <i>Transcripts of Grand Jury Proceedings (Corrected)</i> (Fakhimi, Morad) (Entered: 11/10/2008)
11/19/2008	<u>58</u>	RESPONSE in Opposition by U.S.A. as to Frank Russell McCoy re <u>50</u> MOTION to Dismiss Indictment for Government Misconduct Before Grand Jury (Crane, James) (Entered: 11/19/2008)
11/19/2008	<u>60</u>	SEALED MOTION by Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(bjl) (Entered: 11/19/2008)
11/19/2008	<u>61</u>	NOTICE OF ATTORNEY APPEARANCE Chantel L. Febus appearing for USA. (bjl) (Entered: 11/20/2008)
11/20/2008		Attorney update in case as to Frank Russell McCoy. Attorney Chantel L. Febus for U.S.A. added. (nop) (Entered: 11/20/2008)
11/21/2008	<u>62</u>	REPLY TO RESPONSE to Motion by Frank Russell McCoy re <u>50</u> MOTION to Dismiss Indictment for Government Misconduct Before Grand Jury (Fakhimi, Morad) (Entered: 11/21/2008)
11/24/2008	<u>63</u>	NOTICE to Use Evidence by USA as to Frank Russell McCoy <i>Pursuant to Federal Rule of Evidence 404(b)</i> (Crane, James) (Entered: 11/24/2008)
12/05/2008	<u>64</u>	MOTION for Protective Order <i>and FOR HEARING ON THE SAME</i> by United States of America as to Frank Russell McCoy.. Motion(s) referred to

		Richard L. Hodge.(Crane, James) (Entered: 12/05/2008)
12/07/2008	<u>65</u>	RESPONSE to Motion by Frank Russell McCoy re <u>64</u> MOTION for Protective Order <i>and FOR HEARING ON THE SAME</i> (Fakhimi, Morad) (Entered: 12/07/2008)
12/09/2008	<u>68</u>	SEALED EXHIBIT FOR DOCUMENT #50 by Frank Russell McCoy (bjl) (Entered: 12/09/2008)
12/09/2008	<u>69</u>	MOTION for Leave to File Excess Pages <i>OR FOR LEAVE TO AMEND</i> by Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(Fakhimi, Morad) (Entered: 12/09/2008)
12/09/2008	<u>70</u>	MOTION to Dismiss Indictment by Frank Russell McCoy. (Fakhimi, Morad) (Entered: 12/09/2008)
12/12/2008	<u>71</u>	ORDER granting in part and denying in part <u>69</u> Motion for Leave to File Excess Pages as to Frank Russell McCoy (1). Ordered by Judge W. Louis Sands on 2/12/08. (wks) (Entered: 12/12/2008)
12/13/2008	<u>72</u>	MOTION to Dismiss Indictment (AMENDED) by Frank Russell McCoy. (Fakhimi, Morad) (Entered: 12/13/2008)
12/15/2008	<u>73</u>	MOTION to Suppress by Frank Russell McCoy. (Fakhimi, Morad) (Entered: 12/15/2008)
12/29/2008	<u>74</u>	MOTION for Leave to File Excess Pages by United States of America as to Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(Crane, James) (Entered: 12/29/2008)
12/29/2008	<u>75</u>	RESPONSE to Motion by United States of America as to Frank Russell McCoy re <u>72</u> MOTION to Dismiss Indictment (AMENDED), <u>70</u> MOTION to Dismiss Indictment (Attachments: # <u>1</u> Exhibit Report of Investigation, # <u>2</u> Exhibit Message Board Discussion, # <u>3</u> Exhibit NCMEC Report)(Crane, James) (Entered: 12/29/2008)
12/30/2008	<u>76</u>	MOTION to Strike <i>Government's Response (Doc. 75)</i> by Frank Russell McCoy. (Fakhimi, Morad) (Entered: 12/30/2008)
12/30/2008	<u>77</u>	RESPONSE to Motion by United States of America as to Frank Russell McCoy re <u>76</u> MOTION to Strike <i>Government's Response (Doc. 75)</i> (Crane, James) (Entered: 12/30/2008)
01/02/2009	<u>78</u>	REPLY TO RESPONSE to Motion by Frank Russell McCoy re <u>72</u> MOTION to Dismiss Indictment (AMENDED) (Fakhimi, Morad) (Entered: 01/02/2009)
01/16/2009	<u>79</u>	RESPONSE to Motion by United States of America as to Frank Russell McCoy re <u>73</u> MOTION to Suppress (Attachments: # <u>1</u> Exhibit Consent to Search, # <u>2</u> Exhibit Removal Hearing Transcript)(Crane, James) (Entered: 01/16/2009)
01/16/2009	<u>80</u>	MOTION for Extension of Time to File Response/Reply as to <u>73</u> MOTION to Suppress by United States of America as to Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(Crane, James) (Entered: 01/16/2009)

01/16/2009	<u>81</u>		MOTION for Leave to File Excess Pages by United States of America as to Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(Crane, James) (Entered: 01/16/2009)
01/17/2009	<u>82</u>		MOTION to Compel <i>and for Sanctions</i> by Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(Fakhimi, Morad) (Entered: 01/17/2009)
01/17/2009	<u>83</u>		MOTION Abeyance re <u>80</u> MOTION for Extension of Time to File Response/Reply as to <u>73</u> MOTION to Suppress, <u>81</u> MOTION for Leave to File Excess Pages by Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(Fakhimi, Morad) (Entered: 01/17/2009)
01/18/2009	<u>84</u>		MOTION for Leave to File Excess Pages <i>AND to Toll Deadline</i> by Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(Fakhimi, Morad) (Entered: 01/18/2009)
01/21/2009			Response/reply to motion to dismiss (doc.#70)deadlines terminated as to Frank Russell McCoy: (bjl) (Entered: 01/21/2009)
01/26/2009	<u>85</u>		RESPONSE to Motion by United States of America as to Frank Russell McCoy re <u>84</u> MOTION for Leave to File Excess Pages <i>AND to Toll Deadline</i> (Crane, James) (Entered: 01/26/2009)
01/26/2009	<u>86</u>		RESPONSE to Motion by United States of America as to Frank Russell McCoy re <u>82</u> MOTION to Compel <i>and for Sanctions</i> (Attachments: # <u>1</u> Exhibit Motion to Seal)(Crane, James) (Entered: 01/26/2009)
01/26/2009	<u>87</u>		RESPONSE to Motion by United States of America as to Frank Russell McCoy re <u>83</u> MOTION Abeyance re <u>80</u> MOTION for Extension of Time to File Response/Reply as to <u>73</u> MOTION to Suppress, <u>81</u> MOTION for Leave to File Excess Pages (Crane, James) (Entered: 01/26/2009)
01/26/2009	<u>88</u>		REPLY TO RESPONSE to Motion by Frank Russell McCoy re <u>82</u> MOTION to Compel <i>and for Sanctions</i> (Fakhimi, Morad) (Entered: 01/26/2009)
01/27/2009	<u>89</u>		REPLY TO RESPONSE to Motion by Frank Russell McCoy re <u>84</u> MOTION for Leave to File Excess Pages <i>AND to Toll Deadline</i> (Fakhimi, Morad) (Entered: 01/27/2009)
02/13/2009	<u>90</u>		REPLY TO RESPONSE to Motion by United States of America as to Frank Russell McCoy re <u>82</u> MOTION to Compel <i>and for Sanctions (Sur-Reply)</i> (Attachments: # <u>1</u> Exhibit ltr dtd 8-20-08, # <u>2</u> Exhibit ltr dtd 9-15-08, # <u>3</u> Exhibit ltr dtd 9-19-08, # <u>4</u> Exhibit ltr dtd 11-21-08, # <u>5</u> Exhibit ltr dtd 11-28-08)(Crane, James) (Entered: 02/13/2009)
02/13/2009	<u>91</u>		REPLY TO RESPONSE to Motion by United States of America as to Frank Russell McCoy re <u>82</u> MOTION to Compel <i>and for Sanctions (AMENDED Sur-Reply)</i> (Attachments: # <u>1</u> Exhibit Ltr dtd 8-20-08, # <u>2</u> Exhibit Ltr dtd 9-15-08, # <u>3</u> Exhibit Ltr dtd 9-19-08, # <u>4</u> Exhibit Ltr dtd 11-21-08, # <u>5</u> Exhibit Ltr dtd 11-28-08)(Crane, James) (Entered: 02/13/2009)
02/13/2009	<u>92</u>		MOTION to Strike <i>the Government's Unauthorized Sur-Reply Briefs</i> by Frank Russell McCoy. (Fakhimi, Morad) (Entered: 02/13/2009)
02/17/2009	<u>93</u>		NOTICE OF PRE-TRIAL CONFERENCE as to Frank Russell McCoy Pretrial Conference set for 2/27/2009 @ 10:00 AM in Albany before Judge

		W. Louis Sands. (jbk) (Entered: 02/17/2009)
02/17/2009	<u>94</u>	NOTICE OF HEARING ON MOTIONS as to Frank Russell McCoy: set for 2/27/2009 @ 2:00 PM in Albany before Judge W. Louis Sands (jbk) (Entered: 02/17/2009)
02/18/2009	<u>95</u>	MOTION to Continue Trial in the Interest of Justice (<i>to the June 2009 trial term</i>) by Frank Russell McCoy. (Fakhimi, Morad) (Entered: 02/18/2009)
02/18/2009	<u>96</u>	MOTION (for payment of travel and subsistence expenses, pursuant to 18 USC 4285) by Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(Fakhimi, Morad) (Entered: 02/18/2009)
02/20/2009	<u>97</u>	ORDER granting <u>96</u> Motion for Payment of Defendant's Travel and Subsistence Expenses as to Frank Russell McCoy (1). Ordered by Judge W. Louis Sands on 2/19/09. (bjl) (Entered: 02/20/2009)
02/23/2009	<u>98</u>	RESPONSE to Motion by United States of America as to Frank Russell McCoy re <u>95</u> MOTION to Continue Trial in the Interest of Justice (<i>to the June 2009 trial term</i>) (Crane, James) (Entered: 02/23/2009)
02/24/2009		NOTICE [Text Only] as to Frank Russell McCoy: Case is continued from pre-trial calendar re Albany April 2009 Trial Term. NOTE: Motions hearing set for 2/27/09 @ 2:00 p.m. to remain. (jbk) (Entered: 02/24/2009)
02/25/2009		Terminated pretrial conference deadlines as to Frank Russell McCoy; continued. (bjl) (Entered: 02/25/2009)
02/25/2009	<u>99</u>	ORDER granting <u>95</u> Motion to Continue Trial in the Interests of Justice as to Frank Russell McCoy (1). Ordered by Judge W. Louis Sands on 2/25/09. (bjl) (Entered: 02/25/2009)
02/27/2009	<u>101</u>	Minute Entry for proceedings held before Judge W. Louis Sands: Motion Hearing as to Frank Russell McCoy held on 2/27/09 re <u>33</u> MOTION to Dismiss Indictment for Lack of Jurisdiction filed by Frank Russell McCoy, <u>50</u> MOTION to Dismiss Indictment for Government Misconduct Before Grand Jury filed by Frank Russell McCoy, <u>34</u> MOTION to Dismiss Indictment on grounds of preclusion and estoppel filed by Frank Russell McCoy, <u>72</u> MOTION to Dismiss Indictment (AMENDED) filed by Frank Russell McCoy, <u>73</u> MOTION to Suppress filed by Frank Russell McCoy, <u>41</u> MOTION to Unseal Document <i>Transcripts of Grand Jury Proceedings</i> filed by Frank Russell McCoy, <u>70</u> MOTION to Dismiss Indictment filed by Frank Russell McCoy (Court Reporter Darlene Pino.) (bjl) Modified on 3/10/2009 (bjl). (Entered: 03/06/2009)
03/04/2009	<u>100</u>	NOTICE as to Frank Russell McCoy. (Attachments: # <u>1</u> Exhibit Attachment – Obscenity, # <u>2</u> Exhibit Expert Wit Notice, # <u>3</u> Exhibit Fottrell, # <u>4</u> Exhibit McCoy Report)(Crane, James) (Entered: 03/04/2009)
03/31/2009	<u>102</u>	MOTION to Continue Trial in the Interest of Justice (<i>to the October trial term</i>) by Frank Russell McCoy. (Fakhimi, Morad) (Entered: 03/31/2009)
03/31/2009	<u>103</u>	MOTION for Extension of Time to File (<i>expert designation and disclosure of reports</i>) by Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(Fakhimi, Morad) (Entered: 03/31/2009)

04/06/2009	<u>104</u>	ORDER granting <u>103</u> Motion for Extension of Time to File as to Frank Russell McCoy (1). Ordered by Judge W. Louis Sands on 4/3/09. (wks) (Entered: 04/06/2009)
04/06/2009	<u>105</u>	ORDER granting <u>102</u> Motion to Continue Trial in the Interests of Justice as to Frank Russell McCoy (1). Ordered by Judge W. Louis Sands on 4/3/09. (wks) (Entered: 04/06/2009)
05/29/2009	<u>106</u>	MOTION to Modify Conditions of Release (<i>Unopposed</i>) by Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(Fakhimi, Morad) (Entered: 05/29/2009)
06/03/2009	<u>107</u>	ORDER granting <u>106</u> Motion to Modify Conditions of Release as to Frank Russell McCoy (1). Ordered by U.S. Mag. Judge Richard L. Hodge on 6/3/09. (wks) (Entered: 06/04/2009)
07/06/2009	<u>108</u>	MOTION for Extension of Time to File by Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(Fakhimi, Morad) (Entered: 07/06/2009)
07/09/2009	<u>109</u>	ORDER granting <u>108</u> Motion for Extension of Time to File Expert Designations as to Frank Russell McCoy (1). Ordered by Judge W. Louis Sands on 7/8/09. (bjl) (Entered: 07/09/2009)
09/10/2009	<u>110</u>	MOTION (unopposed motion for modification of deadline) by Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(Fakhimi, Morad) (Entered: 09/10/2009)
09/17/2009	<u>111</u>	TRANSCRIPT of Proceedings as to Frank Russell McCoy held on 2-27-09, before Judge Sands. Court Reporter Darlene Pino (229) 878-0111, 201 West Broad Avenue, Albany, Ga 31701. Motion Hearing Hearing. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. IMPORTANT NOTICE – REDACTION OF TRANSCRIPTS: In order to remove personal identifier data from the transcript, a party must electronically file a <u>Transcript Redaction Request</u> with the Clerk's Office within 21 calendar days of this date. The Policy governing the redaction of personal information is located on the court website at www.gamd.uscourts.gov . <u>Read this policy carefully</u> . If no Transcript Redaction Request is filed within 21 calendar days of this date, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available via PACER 90 days from today's date. (Pino, Darlene) (Entered: 09/17/2009)
09/28/2009	<u>112</u>	ORDER granting <u>110</u> Motion For Modification of Deadline as to Frank Russell McCoy (1). Ordered by Judge W. Louis Sands on 9/15/09. (wks) (Entered: 09/28/2009)
10/20/2009		Terminated redaction request deadlines as to Frank Russell McCoy: (bjl) (Entered: 10/20/2009)
11/19/2009	<u>113</u>	NOTICE OF HEARING as to Frank Russell McCoy Pretrial Conference set for 12/9/2009 02:00 PM in Albany before Judge W. Louis Sands. (jbk) (Entered: 11/19/2009)
11/20/2009	<u>114</u>	Letter from Jim Crane regarding dispositive motions and pretrial conference. (bjl) (Entered: 11/25/2009)

12/02/2009	<u>115</u>		NOTICE OF ATTORNEY APPEARANCE: Cynthia W. Roseberry appearing for Frank Russell McCoy (Roseberry, Cynthia) (Entered: 12/02/2009)
12/02/2009	<u>116</u>		WAIVER of Presence at Pretrial Conference as to Frank Russell McCoy. (Roseberry, Cynthia) (Entered: 12/02/2009)
12/03/2009	<u>117</u>		ORDER as to Frank Russell McCoy allowing <u>116</u> Waiver of Appearance at Pretrial Conference filed by Frank Russell McCoy. Ordered by Judge W. Louis Sands on 12/3/09. (bjl) (Entered: 12/03/2009)
12/09/2009			Minute Entry [TEXT ONLY, no document attached] for proceedings held before Judge W. Louis Sands:Pretrial Conference as to Frank Russell McCoy held on 12/9/2009: The Court advised that all pending dispositive motions would be denied. Parties announced ready for trial. ETT-3 days. The Court will advise as to the date of the trial. (Court Reporter R. Darlene Pino.) (jbk) (Entered: 12/10/2009)
12/11/2009	<u>118</u>		ORDER that if defendant objects to the Government's proposed 404(b) evidence, defendant must file his Motion in Limine or objection within 7 days from the date of filing of this Order as to Frank Russell McCoy re <u>63</u> Notice to Use Evidence. Ordered by Judge W. Louis Sands on 12/11/09. (bjl) (Entered: 12/11/2009)
12/14/2009	<u>119</u>		NOTICE OF ORDER OF TRIALS as to Frank Russell McCoy Jury Trial set for 1/11/2010 @ 8:30 AM in Albany before Judge W. Louis Sands. (jbk) (Entered: 12/14/2009)
12/15/2009	<u>120</u>		NOTICE to Use Evidence by USA as to Frank Russell McCoy (Crane, James) (Entered: 12/15/2009)
12/18/2009	<u>121</u>		MOTION in Limine to <i>Exclude 404(b) Material</i> by Frank Russell McCoy. (Attachments: # <u>1</u> Exhibit)(Roseberry, Cynthia) (Entered: 12/18/2009)
12/18/2009	<u>122</u>		MOTION to Continue Trial in the Interest of Justice by Frank Russell McCoy. (Fakhimi, Morad) (Entered: 12/18/2009)
12/22/2009	<u>123</u>		MOTION to Travel <i>and Subsistence Expenses</i> by Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(Roseberry, Cynthia) (Entered: 12/22/2009)
12/22/2009	<u>124</u>		MOTION for Extension of Time to File Response/Reply as to <u>121</u> MOTION in Limine to <i>Exclude 404(b) Material</i> by United States of America as to Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(Crane, James) (Entered: 12/22/2009)
12/22/2009	<u>125</u>		MOTION for Extension of Time to File Response/Reply as to <u>122</u> MOTION to Continue Trial in the Interest of Justice by United States of America as to Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(Crane, James) (Entered: 12/22/2009)
12/23/2009	<u>126</u>		ORDER as to Frank Russell McCoy re <u>124</u> MOTION for Extension of Time to File Response/Reply as to <u>121</u> MOTION in Limine to <i>Exclude 404(b) Material</i> filed by United States of America, <u>125</u> MOTION for Extension of Time to File Response/Reply as to <u>122</u> MOTION to Continue Trial in the Interest of Justice filed by United States of America. Ordered by Judge W.

		Louis Sands on 12/23/09. (bjl) (Entered: 12/23/2009)
12/24/2009	<u>127</u>	ORDER denying <u>33</u> Motion to Dismiss for Lack of Jurisdiction as to Frank Russell McCoy (1); denying <u>34</u> Motion to Dismiss as to Frank Russell McCoy (1); denying as moot <u>36</u> Motion for Extension of Time to File as to Frank Russell McCoy (1); denying <u>41</u> Motion to Unseal Document as to Frank Russell McCoy (1); denying <u>50</u> Motion to Dismiss as to Frank Russell McCoy (1); denying as moot <u>70</u> Motion to Dismiss as to Frank Russell McCoy (1); denying <u>72</u> Motion to Dismiss as to Frank Russell McCoy (1); granting <u>74</u> Motion for Leave to File Excess Pages as to Frank Russell McCoy (1); denying as moot <u>76</u> Motion to Strike as to Frank Russell McCoy (1); denying <u>122</u> Motion to Continue Trial in the Interests of Justice as to Frank Russell McCoy (1). Ordered by Judge W. Louis Sands on 12/24/09. (wks) (Entered: 12/24/2009)
12/24/2009	<u>128</u>	ORDER granting <u>80</u> Motion for Extension of Time to File Response/Reply as to Frank Russell McCoy (1); granting <u>81</u> Motion for Leave to File Excess Pages as to Frank Russell McCoy (1); denying <u>82</u> Motion to Compel as to Frank Russell McCoy (1); denying <u>83</u> Motion (to Hold in Abatement Government's Motion For Permission) as to Frank Russell McCoy (1); granting <u>84</u> Motion for Leave to File Excess Pages as to Frank Russell McCoy (1); denying <u>92</u> Motion to Strike as to Frank Russell McCoy (1). Ordered by Judge W. Louis Sands on 12/24/09. (wks) (Entered: 12/24/2009)
12/29/2009	<u>129</u>	WAIVER of Right to Trial by Jury by Frank Russell McCoy (Crane, James) (Entered: 12/29/2009)
12/30/2009		NOTICE TO COUNSEL [TEXT ONLY, no document attached] as to Frank Russell McCoy: Joint Stipulation and Waiver of Jury Trial is approved by the Court. NON-JURY TRIAL to begin JANUARY 11, 2010 @ 8:30 a.m. (jbk) (Entered: 12/30/2009)
12/30/2009	<u>130</u>	ORDER granting in part and denying in part <u>123</u> Motion to Travel as to Frank Russell McCoy (1). Ordered by Judge W. Louis Sands on 12/30/09. (wks) (Entered: 12/31/2009)
01/04/2010	<u>131</u>	REPLY TO RESPONSE to Motion by Frank Russell McCoy re <u>73</u> MOTION to Suppress (Fakhimi, Morad) (Entered: 01/04/2010)
01/04/2010	<u>132</u>	ORDER as to Frank Russell McCoy that parties shall file by 1/7/10 separate Bench Memoranda. Ordered by Judge W. Louis Sands on 1/4/10. (bjl) (Entered: 01/04/2010)
01/04/2010	<u>133</u>	RESPONSE in Opposition by United States of America as to Frank Russell McCoy re <u>124</u> MOTION for Extension of Time to File Response/Reply as to <u>121</u> MOTION in Limine to Exclude 404(b) Material (Crane, James) (Entered: 01/04/2010)
01/06/2010	<u>134</u>	NOTICE OF HEARING ON MOTION re <u>121</u> MOTION in Limine to Exclude 404(b) Material : as to Frank Russell McCoy Motion Hearing set for 1/7/2010 @ 10:30 AM in Albany before Judge W. Louis Sands. (jbk) (Entered: 01/06/2010)
01/06/2010	<u>135</u>	AFFIDAVIT by United States of America as to Frank Russell McCoy (Crane, James) (Entered: 01/06/2010)

01/06/2010	<u>136</u>		AFFIDAVIT by United States of America as to Frank Russell McCoy (Crane, James) (Entered: 01/06/2010)
01/06/2010	<u>137</u>		ORDER denying <u>73</u> Motion to Suppress as to Frank Russell McCoy (1). Ordered by Judge W. Louis Sands on 1:07cr18. (bjl) (Entered: 01/06/2010)
01/07/2010	<u>138</u>		ORDER for Payment of Defendant's Travel and Subsistence Expenses as to Frank Russell McCoy. Ordered by Judge W. Louis Sands on 1/7/10. (bjl) (Entered: 01/07/2010)
01/07/2010	<u>139</u>		Minute Entry for proceedings held before Judge W. Louis Sands: Motion Hearing as to Frank Russell McCoy held on 1/7/2010 re <u>121</u> MOTION in Limine to Exclude 404(b) Material filed by Frank Russell McCoy (Court Reporter Darlene Pino.) (bjl) (Entered: 01/07/2010)
01/07/2010			NOTICE TO COUNSEL [TEXT ONLY, no document attached] as to Frank Russell McCoy: NON-JURY TRIAL RESET to begin TUESDAY, JANUARY 12, 2010 @ 8:30 a.m. (jbk) (Entered: 01/07/2010)
01/07/2010	<u>140</u>		AMENDED DOCUMENT as to Frank Russell McCoy filed by United States of America., amending <u>136</u> Affidavit (Crane, James) (Entered: 01/07/2010)
01/07/2010	<u>141</u>		TRIAL BRIEF by United States of America as to Frank Russell McCoy (Crane, James) (Entered: 01/07/2010)
01/08/2010	<u>142</u>		ORDER that the Government shall not present evidence described in the Government's Notice (Doc.#63) at trial without giving prior notice to the Court nor without the Court ruling in the Government's favor following oral argument before the Court by the parties as to Frank Russell McCoy. Ordered by Judge W. Louis Sands on 1/8/10. (bjl) (Entered: 01/08/2010)
01/08/2010	<u>143</u>		TRIAL BRIEF by Frank Russell McCoy (Fakhimi, Morad) (Entered: 01/08/2010)
01/10/2010	<u>144</u>		TRIAL BRIEF by United States of America as to Frank Russell McCoy (Attachments: # <u>1</u> Exhibit Attachment A)(Crane, James) (Entered: 01/10/2010)
01/11/2010	<u>145</u>		JOINT STIPULATIONS of Fact by United States of American and by Frank Russell McCoy (bjl) (Entered: 01/11/2010)
01/11/2010	<u>146</u>		JOINT STIPULATION of Fact by United States of America and Frank Russell McCoy (bjl) (Entered: 01/11/2010)
01/12/2010	<u>147</u>		EXHIBIT LIST by United States of America as to Frank Russell McCoy (Crane, James) (Entered: 01/12/2010)
01/12/2010	<u>149</u>		Minute Entry for proceedings held before Judge W. Louis Sands: Bench Trial begun on 1/12/2010 as to Frank Russell McCoy (1) Count 1. (Court Reporter Darlene Pino.) (bjl) (Entered: 01/15/2010)
01/13/2010	<u>148</u>		ORDER for payment of defendant's travel and subsistence expenses as to Frank Russell McCoy. Ordered by Judge W. Louis Sands on 1/13/2010. (bcl) (Entered: 01/13/2010)
01/13/2010	<u>150</u>		Minute Entry for proceedings held before Judge W. Louis Sands: Bench Trial as to Frank Russell McCoy completed on 1/13/2010. (Court Reporter

		Darlene Pino.) (bjl) (Entered: 01/15/2010)
01/13/2010	<u>151</u>	WAIVER of not to testify by Frank Russell McCoy. (bjl) (Entered: 01/15/2010)
01/13/2010	<u>152</u>	WITNESS LIST by Frank Russell McCoy, United States of America as to Frank Russell McCoy (bjl) (Entered: 01/15/2010)
01/13/2010	<u>153</u>	EXHIBIT LIST by United States of America as to Frank Russell McCoy (bjl) (Entered: 01/15/2010)
01/20/2010	<u>154</u>	ORDER to all parties to submit briefs to the Court no later than 1/22/2010 stating their respective positions on whether the trial transcript or any portion thereof, in light of the contents therein, should be published with or without seal, as to Frank Russell McCoy. Ordered by Judge W. Louis Sands on 1/20/2010. (bcl) (Entered: 01/20/2010)
01/21/2010	<u>155</u>	Transcript Redaction Request in case as to Frank Russell McCoy re <u>111</u> Transcript (Unrelated to Appeal), Transcript (Unrelated to Appeal), Transcript (Unrelated to Appeal), Transcript (Unrelated to Appeal), Transcript (Unrelated to Appeal) filed by attorney James N. Crane (Crane, James) (Entered: 01/21/2010)
01/22/2010	<u>156</u>	ORDER directing the Court Reporter, in preparing and producing the public version of the transcript of the trial shall redact any and all excerpts from the Defendant's writings that were read into the record, including the titles of the Defendant's writings and to file under seal a certified un-redacted version of the trial transcript the shall be available only to Parties and the Court, as to Frank Russell McCoy re <u>155</u> Redaction Request – Transcript, filed by United States of America. Ordered by Judge W. Louis Sands on 1/22/2010. (bcl) (Entered: 01/22/2010)
01/22/2010	<u>157</u>	ORDER that the Court Reporter shall redact any and all excerpts from Defendant's writings that were read into the record, including the titles; once the pubic version of the trial transcript is redacted, it may be filed, unsealed, to the docket; the Court Reporter shall file under seal a certified and unredacted version of the trial transcript that shall be availabe only to the parties and the Court as to Frank Russell McCoy. Ordered by Judge W. Louis Sands on 1/22/10. (bjl) (Entered: 01/22/2010)
01/25/2010	<u>158</u>	Notice of Error in Filing (related document(s): <u>157</u> Order,). (bcl) (Entered: 01/25/2010)
01/27/2010	<u>159</u>	NOTICE as to Frank Russell McCoy. (Crane, James) (Entered: 01/27/2010)
02/03/2010	<u>160</u>	MOTION To Preclude Government from Constructively Amending the Indictment by Frank Russell McCoy.. Motion(s) referred to Richard L. Hodge.(Fakhimi, Morad) (Entered: 02/03/2010)
02/03/2010	<u>161</u>	NOTICE <i>Defendant's Closing Argument</i> as to Frank Russell McCoy. (Fakhimi, Morad) (Entered: 02/03/2010)
02/10/2010	<u>162</u>	RESPONSE to Motion by United States of America as to Frank Russell McCoy re <u>160</u> MOTION To Preclude Government from Constructively Amending the Indictment (Crane, James) (Entered: 02/10/2010)

02/10/2010	<u>163</u>		RESPONSE by United States of America as to Frank Russell McCoy to <u>161</u> Notice (Other) (Crane, James) (Entered: 02/10/2010)
02/17/2010	<u>164</u>		REPLY TO RESPONSE to Motion by Frank Russell McCoy re <u>160</u> MOTION To Preclude Government from Constructively Amending the Indictment (Fakhimi, Morad) (Entered: 02/17/2010)
02/18/2010	<u>165</u>		Unredacted Transcript from proceedings held 1/12/2010 & 1/13/2010. (Attachments: # <u>1</u> Transcript, # <u>2</u> Transcript, # <u>3</u> Transcript, # <u>4</u> Transcript, # <u>5</u> Transcript)(bcl) (Entered: 02/18/2010)
02/25/2010	<u>166</u>		REDACTED TRANSCRIPT re <u>165</u> Unredacted Transcript (Unrelated to Appeal), Dated January 12, 2010 Day one of bench trial. Court Reporter: Darlene Pino, Phone (229) 878-0111. (Pino, Darlene) Modified on 3/2/2010 to change link(cma). (Entered: 02/25/2010)
02/25/2010	<u>167</u>		REDACTED TRANSCRIPT re <u>165</u> Unredacted Transcript (Unrelated to Appeal), Dated 1-13-10 Day two of bench trial. Court Reporter: Darlene Pino (229) 878-0111. (Pino, Darlene) Modified on 3/2/2010 (wks). Modified on 3/2/2010 to change link (cma). (Entered: 02/25/2010)
05/11/2010			Case as to Frank Russell McCoy Reassigned to US Mag Judge Thomas Q Langstaff. U.S. Mag. Judge Richard L. Hodge no longer assigned to the case.. Motion(s) referred to Thomas Q Langstaff.(ans) (Entered: 05/11/2010)
06/01/2010	<u>168</u>		MOTION to Modify Conditions of Release by Frank Russell McCoy.. Motion(s) referred to Thomas Q Langstaff.(Roseberry, Cynthia) (Entered: 06/01/2010)
06/24/2010	<u>169</u>		ORDER granting <u>168</u> Motion to Modify Conditions of Release as to Frank Russell McCoy (1). Ordered by US Mag Judge Thomas Q Langstaff on 06/24/2010. (asb) (Entered: 06/24/2010)
03/29/2013	<u>170</u>		ORDER denying Defendant's Federal Rule of Criminal Procedure 29 Oral Motion for Judgment of Acquittal as to Frank Russell McCoy. Ordered by Judge W. Louis Sands on 3/29/2013. (bcl) (Entered: 03/29/2013)
03/29/2013	<u>171</u>		COURT VERDICT as to Frank Russell McCoy (1) Guilty on Count 1. Defendant's <u>160</u> Motion to Preclude the Government from Constructively Amending the Indictment is denied. Ordered by Judge W. Louis Sands on 3/29/2013. (bcl) (Entered: 03/29/2013)
04/09/2013			NOTICE OF SENTENCING HEARING as to Frank Russell McCoy: Sentencing set for 7/11/2013 03:00 PM in Albany before Judge W. Louis Sands. (jbk) (Entered: 04/09/2013)
04/12/2013			NOTICE OF SENTENCING HEARING RESET as to Frank Russell McCoy: Sentencing RESET for 7/25/2013 03:00 PM in Albany before Judge W. Louis Sands. (jbk) (Entered: 04/12/2013)
06/11/2013	<u>172</u>		DRAFT PRESENTENCE INVESTIGATION REPORT as to Frank Russell McCoy. Objection to Presentence Report due by 6/25/2013 (Black, Esther) (Entered: 06/11/2013)
06/26/2013	<u>173</u>		OBJECTION to <u>172</u> Presentence Investigation Report as to Frank Russell McCoy by the United States of America. (Attachments: # <u>1</u> Attachment)(bcl)

		(Entered: 06/26/2013)
06/26/2013	<u>174</u>	OBJECTION to <u>172</u> Presentence Investigation Report by Frank Russell McCoy as to Frank Russell McCoy (Attachments: # <u>1</u> Exhibit A)(wks) (Entered: 06/27/2013)
07/03/2013	<u>175</u>	NOTICE OF ATTORNEY APPEARANCE – SHEREASE ROSALYN PRATT appearing for USA. (bcl) (Entered: 07/03/2013)
07/09/2013	<u>176</u>	MOTION for Payment of Defendant's Travel and Subsistence Expenses by Frank Russell McCoy. (Attachments: # <u>1</u> Text of Proposed Order). Motion(s) referred to Thomas Q Langstaff.(bcl) (Entered: 07/09/2013)
07/15/2013	<u>177</u>	SENTENCING MEMORANDUM by Frank Russell McCoy. (wks) (Entered: 07/16/2013)
07/18/2013	<u>178</u>	FINAL PRESENTENCE INVESTIGATION REPORT as to Frank Russell McCoy. (Attachments: # <u>1</u> Addendum)(Black, Esther) (Entered: 07/18/2013)
07/19/2013	<u>179</u>	ORDER granting <u>176</u> Motion For Payment of Defendant's Travel and Subsistence Expenses as to Frank Russell McCoy (1). Ordered by Judge W. Louis Sands on 7/19/13. (wks) (Entered: 07/19/2013)
07/19/2013		This is a text only entry; no document issued :ORDER directing counsel to file written objections to the opposing party's sentencing objections no later than 5:00 p.m. on July 23, 2013. Ordered by Judge W. Louis Sands on 7/19/13. (jbk) (Entered: 07/19/2013)
07/19/2013		NOTICE of RESETTING Hearing as to Frank Russell McCoy: Sentencing [TIME ONLY] reset for 7/25/2013 11:00 AM in Albany before Judge W. Louis Sands. (jbk) (Entered: 07/19/2013)
07/24/2013		NOTICE of RESETTING Hearing as to Frank Russell McCoy: Sentencing RESET <i>[due to Dft travel issues]</i> for 7/26/2013 11:00 AM in Albany before Judge W. Louis Sands. (jbk) (Entered: 07/24/2013)
07/25/2013	<u>181</u>	REVISED FINAL PRESENTENCE INVESTIGATION REPORT as to Frank Russell McCoy. (Attachments: # <u>1</u> Revised Addendum)(Black, Esther) (Entered: 07/25/2013)
07/26/2013	<u>183</u>	FINAL PRESENTENCE INVESTIGATION REPORT as to Frank Russell McCoy. (Attachments: # <u>1</u> Second Revised Addendum)(Black, Esther) (Entered: 07/26/2013)
07/26/2013	<u>185</u>	MASTER WITNESS LIST by Frank Russell McCoy re Sentencing held on 7/26/2013. (bcl) (Entered: 08/01/2013)
07/26/2013	<u>186</u>	MASTER EXHIBIT LIST by Frank Russell McCoy re Sentencing held on 7/26/2013. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(bcl) (Entered: 08/01/2013)
07/26/2013	<u>188</u>	Minute Entry for proceedings held before Judge W. Louis Sands: Sentencing held on 7/26/2013 for Frank Russell McCoy (1), Count(s) 1, 18 months imprisonment, 2 years supervised release, \$100.00 mandatory assessment fee. (Court Reporter Darlene Pino.) (bcl) (Entered: 08/08/2013)
07/31/2013	<u>184</u>	

			Order to Surrender as to Frank Russell McCoy. Ordered by Judge W. Louis Sands on 7/26/2013. (bcl) (Entered: 07/31/2013)
08/02/2013	<u>187</u>		ORDER to unseal case, with the exception of exhibits <u>67</u> & <u>68</u> , as to Frank Russell McCoy. Ordered by Judge W. Louis Sands on 8/1/2013. (bcl) Modified on 8/5/2013 (bcl). (Entered: 08/02/2013)
08/02/2013			Case unsealed as to Frank Russell McCoy. (bcl) (Entered: 08/02/2013)
08/12/2013	<u>189</u>	19	JUDGMENT as to Frank Russell McCoy (1), Count(s) 1, 18 months imprisonment, 2 years supervised release, \$100.00 mandatory assessment fee. Ordered by Judge W. Louis Sands on 8/9/2013. (bcl) (Entered: 08/12/2013)
08/22/2013	<u>191</u>		NOTICE OF ATTORNEY APPEARANCE: MARTIN J VOGELBAUM appearing for Frank Russell McCoy. (bcl) (Entered: 08/22/2013)
08/22/2013	<u>192</u>	26	NOTICE OF APPEAL – Final Judgment of Conviction by Frank Russell McCoy re <u>189</u> Judgment. (bcl) (Entered: 08/22/2013)

UNITED STATES DISTRICT COURT

Middle District of Georgia

UNITED STATES OF AMERICA

v.

FRANK RUSSELL MCCOY

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:07-CR-18-001(WLS)

USM Number: 13781-041

CYNTHIA W. ROSEBERRY

Defendant's Attorney

THE DEFENDANT:

☐ pleaded guilty to count(s) _____☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☒ was found guilty on count(s) 1
after a plea of not guilty.Filed at 8:00 A M
8/12 2013
BCL
Deputy Clerk, U.S. District Court
Middle District of Georgia

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C § 1462	TRANSPORTATION OF OBSCENE MATTERS	8/8/2006	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

7/26/2013

Date of Imposition of Judgment

Signature of Judge

W. LOUIS SANDS, U.S. DISTRICT JUDGE

Name and Title of Judge

Date

8/9/13

DEFENDANT: FRANK RUSSELL MCCOY
CASE NUMBER: 1:07-CR-18-001(WLS)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

18 months

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☒ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: FRANK RUSSELL MCCOY
CASE NUMBER: 1:07-CR-18-001(WLS)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :
2 years

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history, or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: FRANK RUSSELL MCCOY
CASE NUMBER: 1:07-CR-18-001(WLS)

SPECIAL CONDITIONS OF SUPERVISION

You shall participate in a mental health treatment program and comply with the treatment regimen of your mental health provider. The U.S. Probation Office shall administratively supervise your participation in the program by approving the program and monitoring your participation in the program.

You shall not associate with any person under the age of 18 without the presence of another adult and prior permission of the U.S. Probation Office.

You shall not possess or have under your control any material that contains "sexually explicit conduct" or "child pornography" as defined in 18 U.S.C. § 2256.

You shall comply with the Level 3 Restrictions of the Middle District of Georgia's Technology Access Program under the guidance and supervision of the U.S. Probation Office.

Access to a computer and the Internet with periodic reviews and monitoring

You shall provide the Probation Office with truthful and complete information regarding all computer hardware, software, Internet providers, cellular devices and storage media to which you have access, whether at home, work, or other locations. You shall also provide all passwords used on your computer, cellular devices and online accounts.

You are only authorized to use computers or cellular devices that are approved by the Probation Office. Any computer or cellular device in your residence or possession must be approved by the Probation Office.

You shall not use any network or Internet connection other than those which are authorized by the Probation Office.

You are prohibited from access to the internet or any public or private computer network at any location unless approved by the Probation Office. This includes but is not limited to computers or devices located in private homes, libraries, schools, cyber cafes or other public or private locations.

You shall not use or own any device which allows Internet access unless approved by the Probation Office. This includes but is not limited to PDAs, electronic games, Internet appliances and cellular devices.

All repairs to your authorized computer systems and cellular devices must be pre-approved by the Probation Office. Repairs must be performed by repair locations approved by the Probation Office. Documentation indicating repairs and reason for repairs must be obtained and submitted to the Probation Office.

You shall not make modifications or install software on authorized computer systems or cellular devices without pre-approval by the Probation Office.

You shall not dispose of computers, storage devices or other Internet capable devices without the approval of the Probation Office.

You shall submit your computer, associated hardware, cellular devices and digital media for review by the Probation Office.

You will allow the Probation Office to use detection tools to discover the existence of wireless Internet signals or devices at your residence.

You shall relinquish possession of your computer and associated hardware and media to the Probation Office at the onset of supervision if a review cannot be completed onsite or if prohibited content is discovered.

You shall not possess or use removable media configured with bootable operating systems or portable web browsers.

You shall provide financial information to the Probation Office upon request.

You shall notify all parties who reside in your residence of these conditions.

You shall submit to the installation of monitoring hardware, software or services that the Probation Office will use to manage and view your computer and Internet activity. You may be required to pay all expenses related to this monitoring.

DEFENDANT: FRANK RUSSELL MCCOY

CASE NUMBER: 1:07-CR-18-001(WLS)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ 0.00	\$ 0.00
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: FRANK RUSSELL MCCOY
 CASE NUMBER: 1:07-CR-18-001(WLS)

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☐ Lump sum payment of \$ _____ due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
 Payment of criminal monetary penalties is due during incarceration unless the court has expressly ordered otherwise. During incarceration, the Defendant shall make financial payments from any wages earned in accordance with the Inmate Financial Responsibility Program. Upon release, payment during the term of Supervised Release will commence within 60 days. The Court will set the payment plan based on an assessment of the Defendant's ability to pay at that time.
 Criminal monetary penalties are due in full immediately and payable to the clerk of the court. The value of any future discovered assets may be applied to offset the balance of criminal monetary penalties. The Defendant may be included in the Treasury Offset Program allowing qualified federal benefits to be applied to offset the balance of criminal monetary penalties.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

UNITED STATES OF AMERICA

v.

FRANK RUSSELL MCCOY

Case No.: 1:07-CR-00018-WLS-TQL-1

NOTICE OF APPEAL

Notice is hereby given that **MR. FRANK RUSSELL MCCOY**, Defendant in the above named case, hereby appeals to the United States Court of Appeals for the Eleventh Circuit from the judgment entered in this action on the 12th day of August, 2013. (Doc. 189).

Dated this 22nd day of August, 2013.

Respectfully submitted,

Cynthia W. Roseberry – Executive Director
Federal Defender Program – Middle District of Georgia

By: _____ s / Martin J. Vogelbaum
MARTIN J. VOGELBAUM
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Federal Defenders of the
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CERTIFICATE OF SERVICE

I, Martin J. Vogelbaum, hereby certify that on August 22, 2013, I caused the foregoing *Notice of Appeal* to be electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such to all counsel of record.

s / Martin J. Vogelbaum

MARTIN J. VOGELBAUM

MA State Bar No. 657564

Appellate Counsel for Mr. McCoy

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